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| EXAMINER | |
|---|---|
| GARCIA, ERNESTO | |
| ART UNIT | PAPER NUMBER |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/804,573 | BLADEN, ROY VICTOR | |
| | Examiner | Art Unit | |
| | Ernesto Garcia | 3679 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *30 May 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-89* is/are pending in the application.

4a) Of the above claim(s) *9,18,26 and 32-89* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8,10-13,19-25 and 27-31* is/are rejected.

7)☒ Claim(s) *14-17* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 September 2006* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 30, 2007 has been entered.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Election of Species and Restriction*

Claims 9, 18, 26, and 32-89 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 13, 2006.

***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cooperatively shaped alignment device 12 disposed on the building element 30 (claim 10) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. The applicant makes reference to Figure 2 and indicates that the pin 12 shown in phantom is "disposed on the building element". This is not found persuasive since the building element is feature 30 and not the floor having surface 13 shown in Figure 1. Note that the phantom line of the pin 12 in Figure 2 passes through the floor (i.e. the mounting member) and through the plumbing fitting 1. The pin 12 is disposed on the cam portion 10 and disposed through the mounting member (i.e., the floor) and the plumbing fitting 1. Accordingly, the cooperatively shaped alignment device 12 is still not shown disposed on the building element 30 as the claim requires. Note that making the assembly of Figure 2 does not make the alignment device 12 disposed on the building element 30. The pin 12 will still be disposed on the cam portion 10 regardless.

The drawings are objected to because the reference characters "31"in Figure 1 are misleading since it appears to point to the inner surface of the building element or openings, which conflicts with the description of u-shaped screw pipes "31" on page 34, line 21. Further, the drawings do not show "u-shaped screw pipes". The examiner does not see pipes or anything being u-shaped as described on page 34, line 21. Applicant

argues that the specification describes that Figure 1 is a cross-section view of the assembly and, therefore, a U-shaped pipe would be illustrated as exactly shown in Figure 1. This is not found persuasive since applicant has not explained how the straight pipe 31 makes a U-shaped pipe. It is noted that page 26, lines 25-26 makes reference to the cross-section of the pipe; however, this does not explain how the pipe is U-shaped to be given the description u-shaped pipe. Further, applicant cannot rely on the description at page 34, lines 19-22, because it is inaccurate since features 31 are not pipes but rather openings. Applicant further argues that there is no requirement that every feature that is not claimed be shown as exactly described. This is not found persuasive since the examiner is objecting to the drawings because they fail to show what is described in the specification to get an understanding of these U-shaped pipes 31 for a proper understanding of the invention. Note that the examiner can question the accuracy of the drawings to that what is actually described in particular when there is nothing that is U-shaped or for that matter being a pipe for the "U-shaped screw pipes 31". See MPEP 608.02(e).

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "30" has been used to designate both a building element having threaded openings for fasteners 21 at the bottom (Figures 1-3) and a building element without threaded opening for fasteners at the bottom (Figure 6). Applicant argues that Figure 6 is present for environmental or illustrative purposes only. This is not found persuasive since the building element in Figure 6 is still not the building

element. Even the applicant admits that Figure 6 is "not intended to represent an exact replica of the previously described building element". Accordingly, the same reference character is only used for exact replicas of the same component, which is not the case for the building element 30 between Figures 3 and 6.

## INFORMATION ON HOW TO EFFECT DRAWING CHANGES

### Replacement Drawing Sheets

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

### Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

### Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

***Specification***

The disclosure is objected to because of the following informalities:

The description of features 31 at page 34, lines 19-22, is inaccurate since features 31 are not pipes but rather openings. Further, features 31 are not U-shaped in any manner as described. Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "in an environment of the type having a building element and a mounting member" recited in claim 1, lines 1-2, "the first conduit being disposed within a portion of the building element" recited in claim 1, lines 13-14, and claim 20, lines 15-16, and "the second conduit being disposed on a side of the mounting member opposite the first or second locking member" recited in claim 1, lines 14-15, and claim 20, lines 15-16.

### *Claim Objections*

Claims 1 and 20 are objected to because of the following informalities:

regarding claims 1 and 20, "of the type" in line 1 needs to be deleted. Further, the examiner has acknowledged that the claims are directed to the combination as remarked by the applicant; however, the preamble does not indicate such. The examiner suggests amending the preamble as "A quick connect assembly in combination with a building element and a mounting element" or recite a building element and a mounting element as part of the quick assembly after "comprising". Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

### *Claim Rejections - 35 USC § 102*

Claims 1-3, 5-7, 10-13, 20, 22, 24, and 27-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Cowles, 2,265,267.

Regarding claim 1, Cowles discloses, in Figure 2, a quick connect assembly comprising a building element **24**, a mounting member **1**, a first locking member **23**, a second locking member **5**, a first conduit **20**, and a second conduit **4**. The first locking member **23** has a first passageway **21** extending through the first locking member **23**. The second locking member **5** has a second passageway **15** extending through the

second locking member **5**. The first locking member **23** and the second locking member **5** have co-operative cam locking elements **26,16**. The first conduit **20** and the second conduit **4** are in fluid communication. The first conduit **20** is disposed within a portion of the building element **24** and the second conduit **4** is disposed on a side of the mounting member **1** opposite the second locking member **5**.

Regarding claim 2, the first locking member **2** and the second locking member **8** are adapted to reversibly couple to one another through a bayonet action.

Regarding claim 3, applicant should note that the first passageway and the second passageway are substantially aligned with one another when the first locking member and the second locking member are reversibly coupled to one another.

Regarding claim 5, the first locking member **23** has an annular shaped body (see marked-up attachment) disposed about the first passageway **21**.

Regarding claim 6, the co-operative cam locking member elements include a protrusion **26** extending from the annular shaped body and a cooperatively shaped structure **16** disposed on the second locking member **5**. Applicant should note that the protrusion and the cooperatively shaped structure **16** are able to engage with one another to reversibly couple the first locking member and the second locking member.

Regarding claim 7, at least a portion of the second locking member may be positioned within the first passageway of the first locking member. It merely requires the first locking member and the building element be respectively reversed with the second locking member, and the mounting element.

Regarding claim 10, the second locking member **5** includes an alignment mechanism (the female threads) interfacing with a cooperatively shaped alignment device (the male threads) disposed on the mounting member such that the second locking member can be adapted to be coupled in a selected orientation relative to the building element or the mounting member **1**.

Regarding claim 11, the first locking member **23** and the second locking member **5** are rotated less than 360 degrees during the reversible coupling of the locking members. Applicant is reminded that it is the patentability of the product, not the recited process step, that is to be determined irrespective of whether only process steps are recited. See MPEP 2113.

Regarding claim 12, the cooperative cam locking elements **26,16** include a cam disposed on the first locking member **23** and the second locking member **5**. Applicant should note that when the locking members **23,5** are reversibly coupled to one another, the cam of the first locking member **23** is sandwiched between the cam **16** of the second locking member **5** and the building element **24** or mounting member **5**.

Regarding claim 19, the first passageway, the second passageway, and at least one of the locking members are hidden from view from a user viewing an exterior surface of the building element when the locking members are reversibly coupled to one another.

Regarding claim 20, Cowles discloses, in Figure 3 and 5-7, a quick connect assembly comprising a building element **24**, a mounting member **1**, an interference member **23**, a receiving member **5**, a first conduit **20**, and a second conduit **4**. Services are permitted to pass between the mounting member **1** and the building element **24**. The interference member **23** is coupled to the building element **24**. The receiving member **5** is coupled to the mounting member **1**. The interference member **23** has a protrusion **26**. The receiving member **5** has an engagement member **16**. The first conduit **20** and the second conduit **4** are in fluid communication. The first conduit **20** is disposed within a portion of the building element **24** and the second conduit **4** is disposed on a side of the mounting member **1** opposite the second locking member **5**.

Regarding claim 22, the interference member **23** has an annular shaped body forming an open inner portion **21**.

Regarding claim 24, the receiving member **5** may be at least partially positioned within the open inner portion. Note that this is possible if the interference member is

reversed with the receiving member, or the first locking member is reversed with the second locking member.

Regarding claim 27, the receiving member **5** includes an alignment mechanism (the female threads) interfacing with a cooperatively shaped alignment device (the male threads) disposed on the mounting member **1** such that the interference **23** member can be adapted is oriented in a selected orientation relative to the building element or the mounting member **1**.

Regarding claim 28, a predetermined angular displacement is less than 360 degrees.

Regarding claim 29, the receiving member **5** includes a passageway **21**.

Regarding claim 30, when the interference member **23** is in a locked position, the protrusion **26** is sandwiched between the engagement member and the building element **24**.

Regarding claim 31, the receiving member **5** is transitioned between a first position and a locked position by a bayonet action.

***Claim Rejections - 35 USC § 103***

Claims 8, 13, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cowles, 2,265,267.

Regarding claim 8, Cowles discloses the co-operative cam locking elements include a protrusion **26** disposed on the first locking member **23** and a cooperatively shaped structure **16** disposed on the second locking member **5**. The cooperatively shaped structure overlaps the protrusion. However, the protrusion is not disposed on the second locking member **23**, nor does the shaped structure **16** is disposed on the first locking member **5**. Applicant is reminded that a mere reversal of the essential working parts of a device involves only routine skill in the art; therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the protrusion on the second locking member and place the shaped structure on the first locking member instead. In re Einstein, 8 USPQ 167.

Regarding claim 13, Cowles, as discussed, discloses the first conduit **20** and the second conduit **4** cooperatively define plumbing. The plumbing extends from the mounting member and the building element and passes through the first passageway and the second passageway. However, Cowles fails to disclose the plumbing extending from below the mounting member and including a first fitting and a second. In regards to the orientation, it would have been obvious to one of ordinary skilled in the art to

orient the quick connect assembly so that fluid flows from top to bottom in an application instead of left to right or vice versa. With respect to the fitting, it would have obvious to use a first fitting and a second fitting connected to the assembly for transferring fluid since the conduit allow for such fitting to be connected (not shown). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a first fitting and a second fitting connected to the assembly for transferring fluid.

Regarding claim 23, Cowles, as discussed, fails to include the protrusion extending inward from the annular shaped body into the open inner portion. Applicant is reminded that a mere reversal of the essential working parts of a device involves only routine skill in the art; therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the protrusion on the second locking member and place the shaped structure on the first locking member instead so the protrusion extends inward from the annular shaped body into the open inner portion. In re Einstein, 8 USPQ 167.

Regarding claim 25, Cowles, as discussed, discloses the protrusion and the engagement member overlap one another. However, Cowles fails to disclose the engagement member extending outward from the receiving member. Instead, the engagement member extends inward from the receiving member. Applicant is reminded that a mere reversal of the essential working parts of a device involves only

routine skill in the art; therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the protrusion on the second locking member and place the shaped structure on the first locking member instead so the engagement member extends outward from the receiving member. In re Einstein, 8 USPQ 167. Given such modification, the protrusion and the engagement member will still overlap when the receiving member is at least partially received with the open inner portion of the interference member and the interference member is in the locked position.

Claims 4 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cowles, 2,265,267, in view of Smith, III, 6,173,742.

Regarding claim 4 and 21, Cowles, as discussed, fails to disclose the first locking member or the interference member 23 includes a recess. Smith teaches, in Figure 2, a first locking member or an interference member 20 including a recess 108 to provide a fluid seal between the interference member or the first locking member 20 and a conduit 10. Therefore, as taught by Smith, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a recess in the first locking member or the interference member 20 of Cowles to provide as a seal between the conduit 20 in Cowles and the first locking member or the interference member 20.

***Allowable Subject Matter***

Claims 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 14, the prior art of record does not disclose or suggest a quick connect assembly, in combination with a building element and a mounting member, comprising a first fitting coupled to plumbing disposed below the mounting member and a second fitting coupled to the plumbing disposed within the building element. The closest prior art, Cowles, 2,265,267, does not require a second fitting coupled to plumbing disposed within a building element since the second fitting is taught to be coupled outside the building element instead; and,

regarding claims 15-17, these claims depend from claim 14.

***Response to Arguments***

Applicant's arguments filed May 30, 2007 have been fully considered but they are not persuasive.

With respect to Cowles, applicant argues that Cowles fails to disclose the first conduit "disposed within a portion of the building element and the second conduit [is] disposed on a side of the mounting member opposite the first or second locking member". This is not found persuasive since the examiner has established that "the first conduit **20** is disposed within a portion of the building element **24** and the second conduit **4** is disposed on a side of the mounting member **1** opposite the second locking member **5**".

Applicant argues that Cowles merely teaches a swivel connection for conduits. In response, the fact that Cowles teaches a swivel connection does not obviate the rejection when the structural features shown in Cowles are readable on the claimed rejections. Applicant further argues that ring member 24 is "equipped with an annular inwardly projecting flange 25 which is disposed between the head 19 and an annular shoulder of the collar 23. This argument is out of scope since the examiner is not relying on features 23 and 25 to make the rejection. Further, it is noted that the ring member is equipped with an annular inwardly projecting flange 25; however, this does not obviate that the "first conduit 20 is disposed within a portion of t he building element 24" as required by the claim.

Applicant argues that the building element identified by Office action is merely a cap that is rendered rigid with corresponding collar 23 by drive fitting the two elements together. In response, it should be noted that the cap 24 is in its broadest reasonable

interpretation a building element 24. Further, the fact that the building element is rigid and has a collar 23 is irrespective when the claims do not exclude rigid building elements with a collar.

Applicant argues that the Cowles does not teach or suggest, either expressly or implicitly, that would equate the ring elements 24 with a building element as required by claims 1 and 20. In response, the claim do not set forth any further structure that differentiates the ring element 24 from that of the building element as claimed. The examiner has given the terms "building element" its broadest reasonable interpretation since the ring element 24 is a "building element" broadly considered.

Applicant argues that Cowles fails to teach or suggest a "second conduit being disposed on a side of a mounting member opposite the first or second locking member" and that Cowles fails to expressly teach the conduit extends through the second locking member 5 but instead teaches the conduit 4 extend through the second locking member 5. This is not found persuasive since feature 4 is not extending through the second locking member 5 but rather feature 1 according to the figures. Note that the portion 4, i.e., the threaded portion, has been identified as the second conduit, which the examiner relies upon to reject the claim and not the mounting member 1 as identified by the examiner. Accordingly, Cowles discloses "the second conduit **4** is disposed on a side of the mounting member **1** opposite the second locking member **5**".

## *Conclusion*

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30AM-6:00PM. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

E.G.

July 10, 2007

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3500